

Conservation Commission Meeting Minutes
June 24, 2020
HELD REMOTELY USING ZOOM

Present at the Zoom meeting were:

Chairman John Sullivan

Tim Holiner

Amey Moot

Sarah Monaco

Jim McLaughlin

Christy Violin

David Stapleton by phone

Also present was consultant to the Commission, Agent Janet Bowser and Wetland Scientist Paul McManus of EcoTec

Request for Determination of Applicability

30 Old Farm Rd., Collins, Generator and Propane tanks

Having been duly published, the Commission opened the hearing for 30 Old Farm Rd. Agent Bowser recommended a Negative Determination with the condition the Commission does not approve the wetland line due to no DEP Data Forms submitted with the request. Motion made, seconded and unanimously voted to close the hearing and issue a Negative Determination of Applicability with the condition the wetland line shown on the plan is not binding.

Continued Notice of Intent — Haven Meadows Roadway

144-842 Haven Meadows Rdwy NOI – Corrigan, Cheney Eng

Present: Attorney Jay Talerman, Attorney John Shea, Ardi Rrapi of Cheney Engineering, Richard Kirby of LEC Environmental Consultants

Richard Kirby of LEC Environmental outlined his proposal dated 6/17/20. He stated mitigation monitoring increased to 3 years. There was discussion of the proposed culvert being the largest in town.

Richard Kirby stated in response to the size of the roadway crossing, there is 169 linear feet less on the retaining wall to minimize roadway impact. He stated the over-riding public benefit as 1. Addition to housing tax for the Town, 2. Invasive species removal, 3. Mitigation measures. The Chair explained taxes are not a public benefit to be considered under Conservation Commission.

Richard Kirby stated there is a correction for the amount of alteration. LEC document states 1,478 sq. ft. The correct permanent alteration should read 2,545 sq. ft., per the latest plan. Replacement of invasive species was discussed. Agent Bowser suggested 36" height of replacement plants. Richard Kirby recommended the more available, smaller 28" plants for Lots 1 and 6 at the crossing. Richard estimated 150-200 invasive shrubs are to be removed. He also stated 3 of the 4 new homes will be within Conservation Commission jurisdiction.

Agent Bowser asked, for each waiver request – is there a public benefit?

Richard Kirby noted the Alternatives Analysis detailed was outlined on pg. 5 of his submitted document dated 6/17/20.

There was a question about ownership history of 4 Haven Terrace. A Commission member asked if using 4 Haven Terrace as access would have been less disturbance. Richard Kirby said he could revise numbers for a comparison. The Chair noted that during the original loop road discussion, 8 Haven Terrace was proposed as access and that is how the applicant received their roadway approval.

There was discussion of the waiver request for a structure within 80 ft of wetlands. Alternatives considered were listed in the LEC memo. There was discussion of using 2 manholes to keep the stream cleaner from roadway run off. Paul McManus stated water quality analysis is measured by TSS (total suspended solids) and credit is given for 25% removal of TSS.

Christy Violin noted the water in the stream is currently coming from the Center of Town and not currently filtered. What the applicant is proposing is substantially improved, this could be considered an over riding public benefit. Ardi Rrapi noted the 2 catch basins would catch water from Haven Terrace only. The Chair sees the drainage for this project as mitigating more than the requirement.

Richard Kirby stated the proposed CR is 3.55 acres and located on Lots 2,3,4, and 5. It is proposed contiguous to Town owned land. The applicant proposed dedicated land with public access in perpetuity, protecting the areas. He stated the amounts as:

21,888 sq. ft. on Lot 5

36,182 sq. ft. on Lot 4

68,380 sq. ft. on Lot 3

28,300 sq. ft. on Lot 2

He also stated at the time of the NOI submittals for the lots, the applicant will propose bounds at no disturb zones. He also stated additional land will be preserved on those lots that is unknown at this time and bounds will be placed at each line that intersects with Conservation Restricted land. Tim Holiner noted all the land is untouchable anyway because it is wetlands and buffer and cannot be disturbed.

Richard Kirby outlined the waiver request regarding tree removal in the buffer as:

69% - Basal tree area C

60% - Basal tree area B

43% - Basal tree area A

He noted many trees are declining or dead. Applicant proposed adding 100 native sapling trees and stated smaller trees are better for health and growth. He said 2,000 sq. ft. of land is proposed as preserved on the 8 Haven Terrace property and proposed restoration is 12 native tree saplings and 24 shrubs. The Chair said in 2013-2014 trees were cleared on that lot prior to the NOI submittal and after house construction of #8 Haven Terrace had begun. This is a remedy for tree cutting from 6 years ago that should not have occurred.

Richard Kirby stated the overall project proposed 175 sapling trees and 400 native shrubs. He said total trees proposed for removal overall is 68. He said many are diseased.

Christy Violin said the current “urban” stream is disconnected from the riparian area. It should be kept as vegetated as possible and treated before it feeds the large wetland area that is a conserved area. Paul McManus noted there is currently active erosion on those stream banks. Watershed is coming in direct from downtown area. He agrees with the urban characterization. Christy also noted if the functioning wetland could be increased, that would be a public benefit. Paul McManus said it is possible to retrofit the storm septic treatment unit for the downtown drainage. He said there is no real way to slow the velocity of the water down.

The Chair asked if storm septic tanks are proposed within the subdivision? Ardi confirmed they are proposed for the end of the cul-de-sac. Richard Kirby said they will go back to the drawing to look at the water velocity issue.

Agent Bowser discussed house lot NOI’s being submitted at the time of the roadway NOI. Richard Kirby said the applicant disagrees with that. He stated it is the applicant’s prerogative as to when he files the house lot NOI’s.

Amey Moot said other subdivisions have given up a buildable lot prior to coming before Conservation. The goal should be to preserve as much green space as possible.

Ardi asked for clarification on house lot buffer zones. The Chair deferred to Paul and Janet. He also suggested a simple tree calculation for each house lot, not necessarily an NOI for each house lot at the same time as the roadway. The Chair asked Ardi if he had done a tree count estimate for the house lots. Ardi said they have not yet.

Amey Moot said they should provide a public benefit above and beyond the basic minimum. For example, deed restrictions to limit impact to the buffer zone. She advised they think creatively in putting restrictions to Homeowners Association or deeds, etc.

Attorney John Shea said there is a substantial NOI improvement. It feels a lot closer. He proposed a work session with Paul and Janet to brainstorm ideas. He noted a project in Shrewsbury when a work session was held with Paul McManus. He stated the applicant would pay consultant fees.

Jim McLaughlin said the Conservation Commission position has always been clear. The Chair said this has all been in very small increments. The Commission must operate according to open hearing rules. Attorney Shea asked if Paul could explain the “work session” format.

Paul said he can give his opinion as far as ecological value. He said in Shrewsbury there were a lot more technical type issues. He is willing to be a sounding board with Janet on their opinions and what the Commission may want.

John Sullivan said a brainstorming session would not necessarily be binding.

Agent Bowser feels there is not anything small that can be done on this project. She suggested the applicant go back before the Planning Board and then return to Con Com. The Planning Board may agree to change the width of the road.

The Chair asked if there are ways to slow velocity of the stream that could be suggested in a brainstorming session? He said he has no problem with 1 or 2 meetings with Commission consultants to bring more developed plans back to the Commission.

Jay Talerman, Attorney for the abutters on Haven Terrace thinks the applicant is too far away for a traditional work session. He thinks that would be using the Town for ideas for the consultants to tell the applicant how to get this 4-lot subdivision through. He suggests they go back to Planning Board if that is what the Commission wants.

The Commission is in agreement of moving forward as they have been, without a work session. The Chair suggested the applicant give themselves 4 weeks before coming back so as not to have to rush to get back to the Commission with revisions. He said the Commission will contact the Planning Board for roadway input. The Commission members all agree their job is not to design the applicant's projects and a work session borders on that.

The applicant requested a continuance to 7/22/20. The Commission stated all revisions would be due by 7/15/20.

Jay Talerman said hardship is not a valid issue and replication areas do not represent public interest.

Abutters suggested Dover Bylaws be upheld and expressed appreciation of the Commission's hard work.

The applicant requested a continuance to 7/22/20 and the Commission granted the request.

Meeting adjourned at 10:15 PM.

Documents:

Agent Bowser comment memo dated 6/22/20

Cheney Engineering memo dated rev. 6/15/20

LEC Environmental memo dated 6/17/20

Town Engineer Mike Angieri memo dated 6/22/20